

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

AMERIS BANK, as assignee of )  
the Federal Deposit Insurance )  
Corporation, receiver of )  
Darby Bank and Trust Co., )

Plaintiff, )

v. )

CASE NO. CV413-241

LEXINGTON INSURANCE COMPANY, )

Defendant and Third- )  
Party Plaintiff, )

v. )

COASTAL BIOFUELS, INC., )

Third-Party Defendant. )

U. S. DISTRICT COURT  
Southern District of Ga.  
Filed in Office

M  
al22 2017  
Deputy Clerk

O R D E R

Before the Court is Plaintiff Ameris Bank's Motion to Dismiss or Alternatively Drop Ameris Bank as Party Plaintiff. (Doc. 94.) In the motion, Plaintiff states that it has resolved its claims against Defendant Lexington Insurance Company. (Id. at 2.) These two parties have elected to resolve their dispute by agreement despite the Court previously granting Plaintiff summary judgment in its favor. (Doc. 82.)

Pursuant to Federal Rule of Civil Procedure 41(a)(2), "an action may be dismissed at the plaintiff's request only

by court order, on terms that the court considers proper." No party in this case has objected to Plaintiff's request. After careful consideration, Plaintiff's motion is **GRANTED** and Plaintiff's claims against Defendant are **DISMISSED WITH PREJUDICE**, with each party to bear its own costs and attorney fees.

SO ORDERED this 22<sup>nd</sup> day of September 2017.



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WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA